



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 25, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: TXT-29547 - APPLICANT/OWNER: CITY OF LAS VEGAS

**** CONDITIONS ****

STAFF RECOMMENDATION: **APPROVAL**, subject to:

1. Subsection 2.4 of the Lone Mountain Development Plan and Design Standards, Permissible Uses, is hereby amended as follows:

Permissible Uses:

Retail	Neighborhood Commercial	Village Commercial
<u>Wireless Communications Facility, Stealth Design</u>	<u>WC</u> (See Title 19)	<u>WC</u> (See Title 19)

2. Subsection 2.4 of the Lone Mountain West Development Plan and Design Standards, Permissible Uses, is hereby amended as follows:

Permissible Uses:

	Neighborhood Commercial	Village Commercial
<u>Wireless Communications Facility, Stealth Design</u>	<u>WC</u> (See Title 19)	<u>WC</u> (See Title 19)

3. Subsection 2.4 of the Lone Mountain West Development Plan and Design Standards, Permissible Uses, is hereby amended as follows:

P=Permitted X=Use Prohibited WC=With Conditions SUP=Special Use Permit TCP=Temporary Commercial Permit

TXT-29547 - Staff Report Page One
September 25, 2008 - Planning Commission Meeting

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request to amend the Lone Mountain Master Development Plan and Design Standards document and the Lone Mountain West Master Development Plan and Design Standards document to allow Wireless Communication Facility, Stealth Design as a conditional use in the Neighborhood Commercial and Village Commercial Districts.

BACKGROUND INFORMATION

The Lone Mountain Master Development Plan and Design Standards and the Lone Mountain West Master Development Plan and Design Standards currently prohibit the Wireless Communication Facility, Stealth Design use within the Neighborhood Commercial and Village Commercial Districts. Staff has been requested to amend the plans to allow this use within these districts.

The proposed amendment will allow Wireless Communication Facilities that meet the Stealth Design in the Neighborhood Commercial and Village Commercial Districts as a conditional use. A Wireless Communication Facility, Stealth Design use is defined in Title 19 as a wireless communication facility that is designed to blend into the surrounding environment. Examples include without limitation: antenna tower alternative structures; roofmounted antennas (with architectural screening when appropriate); buildingmounted antennas painted to match the existing structure; antennas integrated into architectural elements (such as steeples or cupolas); antennas and antenna structures designed to look like light poles, flagpoles, or any other camouflaging techniques available on the market; and a cable microcell network which utilizes multiple lowpowered transmitters/receivers or repeaters attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers. The proposed use would be subject to the conditional use standards listed in Title 19.04, which requires:

1. The applicant must submit to the Department, for administrative review and approval, a site plan and an elevation drawing. The Director shall review the documents to determine if the proposed facility conforms to the conditions listed below for this use. If the Director, in his discretion:

TXT-29547 - Staff Report Page Two
September 25, 2008 - Planning Commission Meeting

- a. Approves the proposed facility to proceed as a conditional use, the Director shall provide written notice of approval to the applicant, with a copy to the office of the City Council. Within 10 days after the notice is mailed or delivered, the applicant may proceed to apply for building permits, unless a member of the City Council files with the Director a written request for the Council to review the approval. If such a request to review is filed, the application must first be reviewed and approved by the Council.
 - b. Determines that the proposed facility does not conform to the conditions listed below, a Special Use Permit will be required for the use. Any determination by the Director that a Special Use Permit will be required is not subject to appeal.
2. No residential use may exist on the property.
 3. The design must conform to the definition of the term Wireless Communication Facility, Stealth Design, as set forth in Section 19.20.020 and as determined by the Director.
 4. Within an area designated as a Historic Preservation District, the proposed facility must first be reviewed by the Historic Preservation Commission before the Director considers granting approval as a conditional use.
 5. The design and location of the proposed facility must be deemed by the Director to be compatible with surrounding uses, and the facility must include appropriate screening and landscaping to ensure such compatibility.
 6. The frequencies used by the communication provider shall be in conformance with Federal Communication Commission standards, as certified by a competent professional (such as a radio frequency engineer).

These standards will generally protect adjacent properties from the impacts of the use, if adequately designed and operated in accordance with code requirements.

ANALYSIS

The proposed amendment will align the Lone Mountain and Lone Mountain West Special Area Plans with Title 19 with regard to the use regulations for Wireless Communication Facility, Stealth Design uses. The amendment is in compliance with Nevada Revised Statute (NRS) 707.575 procedural requirements. The statute requires that the city establish procedures and standards for the review and approval of an application for a facility for personal wireless service (wireless communication facility), such that the review and approval of an application be by administrative staff and that the item be considered by the Planning Commission and City Council should the administrative staff deny the application.

**TXT-29547 - Staff Report Page Three
September 25, 2008 - Planning Commission Meeting**

The statute also provides requirements for a person or company who applies for this type of use. Those requirements direct the applicant to comply with the procedures outlined by the city, that the facility meet the development standards established by the city and that the applicant be a provider of wireless telecommunications that is licensed by the Federal Communications Commission to provide wireless telecommunications services over a designated radio frequency and authorized to do business in this state. Additionally, the statute directs the administrative approval of the facility, provided the above is in order, if the facility is architecturally integrated with its surroundings so that it appears to be an architectural feature of a building or other structure and its nature as a facility for personal wireless service is not readily apparent or if it is collocated with an approved facility, or capable of being approved, to the extent that the existing facility is architecturally integrated. Further, the use should be approved if constructed as part of an existing building or structure owned by a public utility or on property owned by the State or by a local government or if constructed on an existing building or structure not owned by a public utility, when architecturally compatible with the building or structure.

The proposed amendment to conditionally allowing the stealth designed wireless communication facility is compliant with the state statute and requirements established for the city under Title 19. Therefore, staff recommends approval of this amendment.

The following table summarizes all proposed changes:

Code Requirements	Existing Regulations	Proposed Regulations
Lone Mountain Master Development Plan and Design Standards 2.4 Permissible Uses	<ul style="list-style-type: none"> No allowance for a wireless communication, stealth design type use 	<ul style="list-style-type: none"> To make the use a conditional use in commercial districts consistent with Title 19 and compliant with NRS 707.575.
Lone Mountain West Development Plan and Design Standards 2.4 Permissible Uses	<ul style="list-style-type: none"> No allowance for a wireless communication, stealth design type use 	<ul style="list-style-type: none"> To make the use a conditional use in commercial districts consistent with Title 19 and compliant with NRS 707.575.

NOTICES MAILED

NEWSPAPER ONLY

APPROVALS

0

PROTESTS

0